

REMARKS

The Office Action dated July 29, 2008 has been received and carefully studied.

The Examiner rejects claims 1, 3-6, 8-18 and 24 under 35 U.S.C. 102(e) as being anticipated by Asano, et al., U.S. Patent Publ. No. 2006/0004140.

The rejection is respectfully traversed.

Asano et al. is effective as a reference as of its US filing date (since the International Application was not published in English), which is well after the filing date of the PCT application of which the instant application is the National Phase. Accordingly, Asano et al. is not a reference against this case, and withdrawal of the rejection is respectfully requested.

The Examiner rejects claims 1-4, 12-13, 18 and 24 under 35 U.S.C. 102(b) as being anticipated by Kitamura et al., U.S. Patent Publ. No. 2002/0176046.

By the accompanying amendment, claim 1 has been amended by incorporating therein limitations of claims 8 and 9. Claims 8 and 9 have been cancelled. It is believed that the amendment overcomes the rejection.

The Examiner provisionally rejects claims 1, 3-9, 13-18 and 24 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of co-

pending application Serial No. 10/532,705 (Asano, et al.,
U.S. Patent Publ. No. 2006/0004140; our Ref: 441P092).

The co-pending case has been abandoned.

The Examiner's indication of the allowability of claims
7, 19-23 and 25 is noted with appreciation.

Reconsideration and allowance of all pending claims are
respectfully requested.

Respectfully submitted,


Kevin S. Lemack
Reg. No. 32,579
176 E. Main Street - Suite 5
Westboro, Massachusetts 01581

TEL: (508) 898-1818